



Measure L Oversight Committee

1st Floor City Council Conference Room Area ‘B’

Monday, January 28, 2013

MINUTES

COMMITTEE MEMBERS

George ‘Andy’ Anderson, Lance ‘Scott’ Garver,
Michael Petersen, Phil Salvatore, Eddie Thomas

Regular Meeting – 5:30 p.m.

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

CALL TO ORDER

5:33 PM

ROLL CALL

All Committee Members Present:

Staff Present: Chief of Police R. Strand, Mr. Speer (Acting City Manager)

APPROVAL OF AGENDA

Agenda Approved

- A. Review draft of quarterly report
- B. Budget Items from Phil Salvatore
- C. Funding “Measure L” staff time
- D. Rebuttal to Mayor Letter

APPROVAL OF MINUTES

Minutes approved for Measure L Meeting on January 14, 2013.

PUBLIC COMMENT OF ITEMS NOT ON AGENDA (5 min each, 30 min total) 5:39

Michael Neel

- Take strong exception to the practice of meeting in private with the City Attorney and Council Members

Christina Witt

- Second Mike Neel’s comment
- Closed session are saved for litigation and personnel issues
- Council meeting: Mayor and Ms. Acton stated that duty of Measure L is to approve past expenditures
- Waiting until after funding is expended defeats the purpose of oversight

Barbara Auld (likely quiet)

- Measure L, as presented to the public
- Maintain services, including streets, police services, and other city services
- Is an oversight, not advisory committee
- “Other services” are in the ordinance

Al Huey

- Agree with Mike Neel regarding not meeting in private
- Appropriate for committee to make a resolution to not meet in private
- Nice to have on record
- All city annotation says “Advisory”, but should say “Oversight”
- Publish fully funded without Measure L and another with Measure L to augment streets and police; recommend that the committee submit that request as a resolution to the City Council
- Budget information should be available
- 800k to police, 200k to streets
- Troubled by agenda item D: rebuttal, to see what the council does, to not stir the pot; 3 council members seemed to be responding to the public opinion.
- More than committee members spoke at the last meeting

Robert Eierman

- Second Barbara Auld and Al Huey
- Absolutely must call yourself an Oversight Committee
- Almost more important than the legal aspect is the moral obligation to have the right name

Jerry Taylor

- Reiterate that the council should create a budget with/without Measure L
- Recommend committee suggest this officially

Jim Fallgetter

- Hoped that the Mayor would be here to put this to bed
- Same thoughts about the consensus at the end of the meeting. 3 said that the committee is doing good work. Since that meeting, let that thing die off.
- Second Jerry’s budget proposal
- Replacing members is “sick”, you are not serfs to be dismissed
- Second what Al says, need direction from the Council
- Waste of time to deal with this [rebuttal letter]

Barbara Auld

- Ordinance specifically says what the terms are
- Also says that the members can be replaced by majority vote
- City manager can determine the term of the secretary

Jim Fallgetter

- Everybody knows that the committee is doing good work

Christina Witt

- Need a resolution to get a reason why the committee member is removed

Jerry Taylor

- It’s yet to be determined if city code 2-3-101, which requires 4/5 vote applies to Measure L

Al Huey

- City is supposed to provide a secretary to the committee; City Manager does not have ability to deny secretary
- Term-limited sales tax, doesn't seem to make sense to be changing committee members

Katy Nazik

- Not been to many of the council meetings, voted for Measure L based on streets/police and oversight committee
- Thanked committee
- Shocked at the proposal to reduce the oversight committee
- Would also like to see a budget with/without Measure L funds

Barbara Auld

- The first year says, succeeding members shall be selected for 4 years
- Secretary's term is determined by City Manager

Jim Fallgetter

- Redevelopment committee dissolution...citizens money ~\$200k to support staff each year in their duties to support "our little committee"
- The expenses of this [oversight] committee are very small and the largest have passed
- Was for the staff getting the funding [~\$200k]

Response to public comments (Mr. Anderson and Mr. Garver)

- ***Will be discussed at the next meeting***

Mr. Thomas

- Mr. Salvatore, would you check with Mr. Speer to confirm

Public comments closed at 6:13

DISCUSSION AND OTHER ACTION ITEMS

A. Review draft of quarterly report

Mr. Petersen

- Introduction

Mr. Salvatore

- Police report for the next quarterly report

Mr. Anderson

- Can spend more in police than streets
- Need a balanced budget

Mr. Salvatore

- Original distribution of Measure L funds
- Immediate distribution to Police COLA
- \$600k shortfall
- Original \$1.135M
- Original \$1.5M

Mr. Petersen

- Please stop by if you would like a copy of the outline

Mr. Anderson

- Will compile public comments from committee and council meetings

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Public Comment

Tom Witnick

- Vote-able draft should be made publicly available

Jim Fallgetter

- \$250k has been obligated, borrowed by wastewater
- Information has been available regarding expenditures

Jerry Taylor

- \$800-900k to fund officers

Jim Fallgetter

- Unbelievable

Stan Rittora

- City doesn't have any operating reserve, so every cent gets spent in one form or another; if it gets spent as obligated is unclear.
- We have a budget, it's been changing, but we've always had one
- Councilwoman Acton asked if anything has been spent yet
- At the end of the year, we'll see if it was spent appropriately
- Every dollar is being spent, as we have no reserves
- We're spending more money than is coming in.

Christina Witt

- Can use the report to put political pressure on the council
- Emphasize *Citizen's* oversight committee: Has the council been cooperative?
- Committee provides public knowledge
- Use the report as political pressure
- "Transparency and accountability" are the

Al Huey

- Second Jim Fallgetter's comment
- Acton asked if money had been spent, Mayor said \$250k had been spent on police
- Did any committee members meet with the City Attorney?
- Police budget questions: additional equipment?

Chief Strand

- Three officers added from original budget

Jerry Taylor

- Comment to Andy's
- Want a baseline budget with Measure L additions
- Hard decisions have not yet been made regarding Parks & Rec
- Black and white, blinder's on

Barbara Auld

- 4:30 on Jan 30? Yes
- Open to public? Yes

Al Huey

- Quarterly reports
- Grand jury format

Rebecca Neipp

- Suggested grand jury to help facilitate

Jim Fallgetter

- My thoughts: attorney wants a meeting. We want what the council's decision is. What purpose could a meeting with attorney serve? I want to hear from the mayor.

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Mr. Salvatore

- I’ve been trying to get the Council, Mayor, and Committee together

Jim Fallgetter

- I’d like to know what the mayor is thinking. At the council meeting, he gave us lightly warm fuzzies.
- We want to hear specific direction from the council that this is over

Jerry Taylor (\$3.75/minute)

B. Budget Items from Phil Salvatore

Mr. Salvatore

- Trying to describe the budget process for the common person
- “Gas Tax” fund
- Largest chunk comes from general fund
- TDA Article 8 – Busses and transit, based on size of city; excess funding can go to other things

Mr. Petersen

- Was the average weighted based on the number of years?

Mr. Salvatore

- Let me explain...
- The numbers take several months to

Public Comment

Jim Fallgetter

- Would you be interested in working for the city?

Mr. Salvatore

- Uh...

Barbara Auld

- When will this be available

Jim Fallgetter

- This is a useful document now
- “Never seen numbers like this”

Mr. Salvatore

- More information leads to more rational discussion

Christina Witt

- Color coding identifiers?

Mr. Salvatore

- I’ll add that.
- I keep my excel spreadsheets open
- Passed out last meeting

Michael Neel

- Comment/Question for Phil
- Unknown staff member: “TDA funds are to be used for the bus and the rest for streets”
- This has not been done
- Leftover TDA funds?

Mr. Salvatore

- I didn’t focus on TDA Article 4.
- It’s in the comprehensive annual financial reports

Jerry Taylor

- Public notice, please post draft documents to the email list, instead of gathering email addresses

- Would also like to see percentages in it

C. Funding “Measure L” staff time

Mr. Salvatore

- Need to talk to Mr. Speer

D. Rebuttal to Mayor Letter

Mr. Petersen & Mr. Salvatore

- Second thoughts about strong response

Mr. Anderson

- Who do we send it to?

Mr. Garver

- We do have tacit indication that it was solely the Mayor’s doing
- After committee members left, the Mayor stated that it was his doing
- Don’t agree with tabling this or avoid voting on this
- Declaration of Independence

Mr. Thomas

- Should we express this to the Mayor?

Mr. Garver

- Should declare our independence.
- Agree with content and tone

Mr. Thomas

- I agree with Mr. Salvatore and Mr. Anderson regarding Mayor’s actions
- Mr. Garver: The revisioning was his doing
- The public did an excellent job at presenting this
- His letter does not seem to have understood how his letter

Open for Public Comments

Christina Witt

- We and our indicates additional people

Ed Huey

- Committee has the political high ground right now
- Seriously consider tabling this until after the meeting with the City Attorney

Barbara Auld

- Author/Date
- Should put in writing that author/date should be indicated in all communications

Mr. Petersen

- Read the letter?
- Consensus: no

Jim Fallgetter

- This says draft. Bottom line, we want this to go away. Vote on it, put a cover letter on this, then keep it as draft, but hold on it until the Mayor responds.
- Too many committees lose momentum and flounder

Michael Neel

- Waiting to talk to the Attorney is a mistake and would lose a point
- City attorney is a lawyer and a politician
- Give them this letter to elicit a response

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- Have an attorney that can catch the legaleze
- Citizen’s oversight committee, strong participation from the public gives the committee the power

Ma’am (grey sweater, short hair)

- City attorney meeting, who requested?
- Mr. Salvatore: said that city attorney wanted to meet with me after the last council meeting
- Mr. Anderson: attorney wanted to meet in private
- Mr. Salvatore: thought it is a fig leaf
- Questioning: let sleeping dogs lie and get things stirred up

Christina Witt

- Need to make this response public

Tom Witnick

- At the end of the meeting, mayor commented: him and the attorney got together.
Paraphrase: mayor says that it’s good that we’re doing this.

Mr. Anderson

- Mayor

Tony Magliari (china lake white jacket)

- Community views the committee as an independent oversight committee
- Mayor treating this as a standard committee
- Can move forward more harmoniously
- Why are we at odds with each other
- Are there some legal questions
- Without having some dialogue, it’s difficult to come to consensus
- Mandatory and discretionary, legal vs. moral decisions
- Who has the legal responsibility?
- Everyone will appreciate the work, need common ground.

Mr. Petersen

- Would like to meet with City Attorney first

Mr. Salvatore

- Would like to wait

Mr. Anderson

- Expect an explanation from the city attorney
- Should assume an adversarial position
- Came with direction that contradicts Measure L
- If we decide to meet with attorney, then we wait.
- If we decide not to meet with the attorney, then we put a cover letter and submit
- Have not voted on meeting with the attorney
- My opinion is, we shouldn’t meet with him
- We do serve at the pleasure of the city council, but serve the citizen’s of ridgecrest, and the Mayor must know that

Mr. Garver

- Rather not meet with Mayor and City Attorney
- Was also approached to have the meeting
- Would rather not meet, but will if the quorum agrees...don’t want to be left out

- Wait for intentions? Question actions, not intentions. Assuming their intentions were good, this rebuttal does not question their intentions
- Want to send the letter regardless

Mr. Thomas

- As the chair, I should have been approached to meet
- I would like the opportunity to express my displeasure
- Actions have dictated something that does not sit well with me
- That and the comments he made in the city council meetings
- Hand grenade should be tossed

Meeting with Attorney and City Manager

- 3 in favor, 2 opposed to meeting

Deliver letter after meeting with Attorney and City Manger

- 3 in favor, 2 opposed

COMMITTEE MEMBER COMMENTS

Mr. Garver

- Disturbingly simple: two budgets, one with and one without Measure L
- Councilman Halloway said it was a “Fantasy” to do so
- “Measure L Laundromat”
- Saunders and Patin wanted to keep Measure L on the Jan 21st agenda
- Ms. Acton accused everyone of being angry
- Agreement between these type of people
- Troubling that this is playing out with Council and a favorable response from the DI board, in favor of status quo
- Councilman Saunders is a good man
- The people of influence have not attended the meetings
- Not optimistic about the upcoming meeting, as the dialogue has not been supported in the past by the council

Mr. Anderson

- Councilwoman Acton was right that I was angry
- Letter from Mayor and Attorney was an insult and was uncalled-for, was a direct threat to this committee...unhappy with that
- Will attend the meeting, but will be present in an adversarial manner
- Will be very skeptical of legaleze
- Just an old master chief, this is so simple, so easy, don’t understand why this is so adversarial. Give us a budget and we’ll write the reports and we’ll be done
- What are the mayor’s intentions? Legally, the council can do anything they want with the funding
- I voted for it, because we need it.

Mr. Salvatore

- I will keep hammering away until I get kicked off the committee
- In the cold war, we always had a line to the Soviets

Mr. Petersen

- All future drafts will be distributed to the public and
- The special meeting, as Ms. Charlton indicated, will be with the committee, the City Manager, and the City Attorney

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- Though the council does not have a legal obligation, they have a moral obligation. I'm open to dialogue at the special meeting, but will absolutely stand firm and honor the willful sacrifice of the citizens of Ridgecrest who voted for an increased tax to help improve our community.

Mr. Thomas

- Will stay on

SUPPORT STAFF COMMENTS

Chief Strand

- No comment

Date of next meeting

Special Meeting: Jan 30, 2013 @ 4:30 PM

Feb 11 @ 1730

ADJOURNMENT

8:15 PM

Email Addresses to add to public distribution

Christina.witt1@verizon.net